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CORRESPONDENCE

Another Letter from Mr. Kuhn

MAY 28, 1920.

ARTHUR D. CALL, Esq.,
Editor "ADVOCATE OF PEACE,"
Colorado Building, Washington, D. C.

MY DEAR SIR:

In the May number of the *ADVOCATE* you have published, along with our prior correspondence, a letter addressed to me. Will you permit me to say a few words in reply?

In an able article upon "The Settlement of Interstate Disputes," by Robert Granville Caldwell, published in the current (April) number of the *American Journal of International Law*, the true effect of the decision in *Virginia vs. West Virginia* is thus summarized (p. 63):

"But for a time it looked as if some form of compulsion would be necessary. The court did not hesitate to meet this possibility squarely. It recognized a three-fold obligation to carry out the judgment of the court: (1) the duty of West Virginia to provide for the debt by appropriate taxation; (2) the power and the duty of Congress to make provision for enforcing the terms of the contract between the two States, either by legislation which should apply to West Virginia directly or by legislation which would give the court direct authority to enforce its judgment; (3) the duty of the court to secure the enforcement of its own judgment under existing legislation. . . . But the fact that the Supreme Court has never been compelled to resort to force in its interstate decrees does not lessen the significance of a decision in which it claimed both for Congress and for itself such sweeping powers. When we compare the Supreme Court with the Privy Council in this respect, and especially when we compare the dicta of a Southern Chief Justice with those of his predecessor from Maryland, it is evident that the United States has become a nation, while the British Empire has become a group of independent States. The Supreme Court has today behind its decrees the full force of national unity."

Even the writer in the *Harvard Law Review*, whom you quote, acknowledges (p. 158) that the opinion of the court is contrary to your assumption that "such an execution . . . would not be attempted." Whether it would be accomplished by mandamus, or in some other way, is a matter of procedure and quite beside the original question, which is whether the judgments of the Supreme Court against a State enjoy the force of actual sanctions other than "public opinion" and "moral force."

Accordingly it comes to this, that you do not agree with the latest pronouncement of the Supreme Court, whereas I do, and, paraphrasing somewhat, I have thus grasped the opportunity "to shine with Pope" rather than "err with Pye."

Very truly yours,

ARTHUR K. KUHN.

NOTE

The readers of Mr. Kuhn's letters published in the May *ADVOCATE OF PEACE* will be interested to read this other communication from him. It would seem that

this distinguished gentleman has decided to agree to the views of such men as George Mason, James Madison, Alexander Hamilton, Oliver Ellsworth, and to accept the definite decision, not "pronouncement," of the Supreme Court in case of *Kentucky vs. Dennison*. Mr. Kuhn is to be congratulated. Yet it was to be expected. Carefullest consideration inevitably leads to just that inescapable conclusion. We of the American Peace Society are under obligations to Mr. Kuhn for bringing our attention again to the fatal fallacy at the heart of any conceivable "League to Enforce Peace Between States."

ARTHUR DEERIN CALL.

THE UNITED STATES AND RELIEF OF EUROPE

In order to alter the opinion of persons who occasionally refer to the United States as having withdrawn from Europe and left her to her fate, we print the following letter, issued July 10, by Sir Eric Drummond, secretary general of the League of Nations:

"The cereal, meat, milk, and fat requirements of the countries affected—namely, Poland, Austria, Hungary, and Rumania—may now appear to be assured, in a greater or less degree, until the coming harvest, owing to the establishment of the international committee for relief credits. Large quantities of special foodstuffs, like condensed milk, cocoa, etc., have also been made available by the American Children's Relief, the American Red Cross, the Save-the-Children Fund, the Friends' War Victims' Relief Committee, the Vienna Relief Fund, and the Jewish Relief Committee.

"During 1919 and the beginning of 1920 America provided £120,000,000 worth of clothing and textile mixture for Poland. Great Britain provided 3,200,000 yards of cotton twill and upward of 200,000 pairs of boots. Poland also obtained 17,000,000 guilders' worth of clothing from Holland. Large supplies of clothing and other necessities of this nature have been and still are being supplied to the countries of eastern Europe, through voluntary organizations.

"The decisions of the credits conference which took place in Paris on the 22d of April have now made available, in certain participating countries, wool and other raw materials essential to textile manufacturers. This should materially assist the affected countries to meet their existing lack of clothing.

"It is also understood that, through government and other credits, a certain amount of cotton is being, and is likely to be, provided for Austria and Poland (the textile mills of the latter are now running about 30 per cent pre-war capacity).

"There is also, it is hoped, more than a probability of wool and other raw materials for Poland and other countries being provided out of private credits arranged by business organizations.

"With reference to medical and other supplies in connection with the anti-typhus campaign, American surplus disposal board stocks supplied to Poland alone amount to some \$9,000,000, besides material supplied by the American Red Cross Society.

"Interallied railway missions in Poland and Rumania have been instrumental in overseeing the distribution of £500,000 allocated out of the relief credits to each of these countries by Great Britain.

"America has supplied \$13,000,000 worth of transport material to Poland; this included hospital trains, mobile delousing apparatus, laundries, besides a fair quantity of road transport.

"Under the new international relief credits scheme, America is supplying (1) to Poland \$25,000,000 worth in railway material; this includes 4,600 thirty-ton railroad cars, forty-nine cranes, and other railway stores; (2) to Serbia, \$25,000,000 worth of railway and telegraph material to be selected from existing army stocks in the U. S. A."